

Chapter 4. Appeals in the Arbitrazh Court System

A. Appeals of Procedural Decisions During the Consideration of Case (Interlocutory Appeals)

Many of the procedural decisions of the arbitrazh courts of the first instance are subject to appeal when the determination on the question is issued, allowing the matter to be appealed relatively quickly instead of waiting for the issuance of the final decision in the case as a whole. The determination on a procedural question is subject to appeal if an appeal is specifically provided for in the APC or in other legislation. Determinations subject to appeal include:

- ▣ refusal to accept a petition or return of a petition to the plaintiff;
- ▣ refusal of a petition for securing the suit, a petition on exchange of one type of security for another, or refusal to release security measures for the suit, and refusal of the analogous petitions related to security for the execution of the judgment;
- ▣ suspension or termination of proceedings in a case, or a determination leaving a case without consideration;
- ▣ refusal to issue an additional decision, to explain the decision, or to correct clerical or mathematical errors;
- ▣ imposition of a fine for failure to provide information or evidence;
- ▣ a private or separate determination concerning violations of the law observed and requiring measures be taken to eliminate them;
- ▣ refusal to reconsider a case due to newly discovered circumstances;
- ▣ issuance of, or refusal to issue, a duplicate execution order and renewal of, or refusal to renew, the period for presentation of an execution order for execution; and
- ▣ permission for or refusal of permission for delay of execution or execution in installments, or change in the means and procedure for execution.

Appeals of determinations do not suspend the consideration of the underlying case. They are filed and considered in the general procedure for appeals of decisions, described in the following section. The appeal may be filed within a month of the issuance of the determination, unless it is otherwise provided by the provision in the legislation authorizing the appeal.